

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HORACE E. HOLLIS,)	
)	
Petitioner,)	
)	
v.)	No. 3:10-0223
)	Judge Sharp
DICKSON COUNTY, TENNESSEE and)	
STATE OF TENNESSEE,)	
)	
Respondents.)	

ORDER

The Magistrate Judge has issued a Report and Recommendation (Docket No. 57), recommending that the Motions to Dismiss filed by Defendants (Docket Nos. 36 & 56) be granted and that Petitioner’s “*Pro Se* Motion for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241” be dismissed without prejudice to petitioner pursuing habeas relief (including his Sixth Amendment speedy trial claim) through a timely filed petition under 28 U.S.C. § 2254 after the exhaustion of available state court remedies. Petitioner has filed the following response:

Petitioner Horace Hollis states that, after receipt of the Magistrate’s Report and Recommendation dated November 30, 2011, and after discussing that Report with undersigned counsel, he does not lodge any objection to it. If it becomes necessary, Hollis intends to pursue his federal constitutional claims through a petition under 28 U.S.C. § 2254 when the time is appropriate.

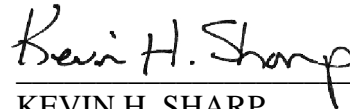
(Docket No. 58).

Having considered the matter *de novo* in accordance with Fed. R. Civ. P. 72(b)(3), the Court agrees with the Magistrate Judge’s recommended disposition. Accordingly, (1) the Report and Recommendation (Docket No. 57) is hereby ACCEPTED and APPROVED; (2) Defendants’ Motions to Dismiss (Docket Nos. 36 & 56) are hereby GRANTED; (3) all remaining pending

motions (Docket Nos. 38, 40 & 41) are hereby DENIED AS MOOT; and (4) this case is hereby DISMISSED WITHOUT PREJUDICE to petitioner's right to pursue habeas relief (including his Sixth Amendment claim) under 28 U.S.C. § 2254 after the exhaustion of available state court remedies.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE